

REMARKS

Claims 1 to 78 were pending in the application at the time of the advisory action. Claims 1, 20, 39, 58, 77, and 78 remain objected to for informalities. Claims 16, 18, 35, 37, 54, 56, 73, and 75 remain rejected for obviousness type double patenting. Claims 1 to 78 remain rejected as obvious.

Claims 1, 20, 39, 58, 77 and 78 stand objected to for reciting "optimizing said first instruction to a second instruction." While Applicants disagree with the rejection, to move prosecution forward, each of the claims has been amended to clarify that the first instruction is converted to a second instruction that is different from the first instruction. Applicants respectfully request reconsideration and withdrawal of the objection to each of Claims 1, 20, 39, 58, 77, and 78.

Claims 4, 11, 13, 23, 30, 32, 42, 49, 51, 61, 68, and 70 are amended to correct informalities introduced by the amendment of the claim from which each depends.

Claims 16, 18, 35, 37, 54, 56, 73 and 75 stand rejected for obviousness-type double patenting in view of U.S. Patent No. 7,107,581, hereinafter referred to as the '581 patent.

Claim 18 in the instant application stands rejected in view of Claim 12 in the '581 patent, while Claim 16 in the instant application stands rejected in view of Claims 53, 54 of the '581 patent.

Claim 18 in the instant application depends from Claims 1, 16 and 17. Accordingly, Claim 18 includes all the limitations of Claims 1, 16, 17 and 18. Claim 12 in the '581 patent depends from Claims 1, 11 and 12. Thus, Claim 12 includes all the limitations of Claims 1, 11 and 12.

The MPEP requires that in an obviousness rejection, the claims must be considered as a whole. MPEP § 2141.02, 8<sup>th</sup> Ed., Rev. 5, pg. 2100-122 (August 2005). Moreover, the MPEP directs that reducing Claim 18 to a gist is an improper form of

analysis. Id. As previously pointed out Claim 18 includes the validating operation of Claim 1 and includes four different indicating operations when the claim is considered as a whole.

Therefore, to render Claim 18 obvious, Claims 1, 11 and 12 of the '581 patent must suggest each of the elements of Claim 18. "All Claim Limitations Must Be Taught or Suggested." MPEP § 2143.03, 8<sup>th</sup> Ed., Rev. 5, pg. 2100-131 (August 2005).

There has been no citation of any suggestion of a validating operation in Claims 1, 11 and 12 of the '581 operation. This cannot be dismissed because to do so fails to consider Claim 18 as a whole, which the MPEP requires. Similarly, the four distinct indicating operations of Claim 18 cannot be morphed into something different from the explicit claim limitations, because again this fails to consider Claim 18 as a whole. Similar comments are also applicable to each of Claims 37, 56 and 75. Applicants respectfully request reconsideration and withdrawal of the obviousness-type double patenting rejection of each of Claims 18, 37, 56 and 75.

Claim 16 in the instant application depends from Claim 1. Accordingly, Claim 16 includes all the limitations of Claims 1 and 16. Again, Claim 16 must be considered as a whole and Claim 53 of the '581 must suggest each limitation in claim 16. The rejection fails for at least three reasons:

1. There has been no suggestion or teaching of elimination of the operator characteristics from Claim 53 to obtain the invention recited in Claim 16 taken with Claim 1;

2. There has been no citation of any suggestion of a validating operation in Claim 53 of the '581 patent; and

3. There has been no citation of any suggestion of "generating an output stack based at least in part on execution of said second instruction" in Claim 53 of the '581 patent.

Only one of these distinctions is sufficient to overcome the obviousness rejection. Claim 54 includes limitations similar to those of Claim 53 and so the remarks with respect to Claim 53 are directly applicable to Claim 54. Similar comments are also applicable to each of Claims 35, 54 and 73. Applicants respectfully request reconsideration and withdrawal of the obviousness-type double patenting rejection of each of Claims 16, 35, 54 and 73.

Claims 1 to 78 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,740,441, hereinafter referred to as Yellin, in view of U.S. Patent No. 6,308,317, hereinafter referred to as Wilkinson.

Applicant respectfully notes that the MPEP requires that a reference be considered as a whole, "A prior art reference must be considered in its entirety." MPEP § 2143.02, VI., 8<sup>th</sup> Ed., Rev. 5, pg. 2100-124 (August 2005). Therefore, even though there is a combination of references, each reference must support the interpretation that forms the basis of the rejection. Yellin fails to do this.

Yellin addresses verification only and does not suggest or teach converting any instruction. Yellin steps thorough the code and if an illegal condition is found simply aborts the process. Each of Figs. 4A to 4C of Yellin show that if an improper condition is found the verification is aborted. There is no operation of Yellin that teaches or suggests doing anything to one instruction to obtain another instruction as recited in Claim 1.

Claim 1 recites that a first instruction is converted to obtain a second instruction and defines a property of both instructions. The claim further defines the result of the conversion in that "said second type smaller than said first type" and defines a requirement for the conversion, "said converting based at least in part on the relative size of said first type and said second type." Thus, the claim expressly

recited the input to the converting, the first instruction; the output of the converting, the second instruction; and the converting utilizes at least the relative size of the two types.

Thus, Yellin must suggest starting with a first instruction and after conversion ending up with a second instruction with the two instructions having properties with the relationship recited. Further, Yellin must suggest that the conversion is based at least on the relative size of said first type and said second type.

Verification of bytecodes and aborting when a problem is encountered, as taught by Yellin, fails to suggest or disclose an operation that starts with a first instruction and generates a second instruction as recited in Claim 1.

Applicants note that a second reference was cited with respect to "changing the type of instructions in a chain," but assuming the combination is correct, the second reference fails to correct the deficiencies of the primary reference noted above and so the combination fails to render Claim 1 obvious. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of Claim 1.

Claims 2 to 19 depend from Claim 1 and so distinguish over the combination of references for at least the same reasons as Claim 1. Applicants request reconsideration and withdrawal of the obviousness rejection of each of Claims 2 to 19.

Claims 20, 39, 58, 77 and 78 each include limitations similar to those of Claim 1. Accordingly, the above remarks with respect to Claim 1 are applicable to each of these claims and are incorporated herein by reference. Applicants request reconsideration and withdrawal of the obviousness rejection of each of Claims 20, 39, 58, 77 and 78.

Claims 21 to 38 depend from Claim 20 and so distinguish over the combination of references for at least the same reasons as Claim 20. Applicants request reconsideration and

withdrawal of the obviousness rejection of each of Claims 21 to 38.

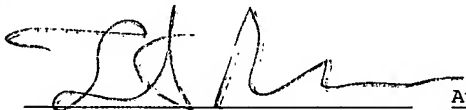
Claims 40 to 57 depend from Claim 39 and so distinguish over the combination of references for at least the same reasons as Claim 39. Applicants request reconsideration and withdrawal of the obviousness rejection of each of Claims 40 to 57.

Claims 59 to 76 depend from Claim 58 and so distinguish over the combination of references for at least the same reasons as Claim 58. Applicants request reconsideration and withdrawal of the obviousness rejection of each of Claims 59 to 76.

Claims 1 to 78 remain in the application. Claims 1, 4, 11, 13, 20, 23, 30, 32, 39, 42, 49, 51, 58, 61, 68, 70, 77, and 78 are amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

**CERTIFICATE OF MAILING**

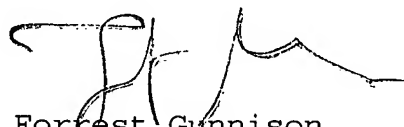
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 21, 2007.



Attorney for Applicant(s)

August 21, 2007  
Date of Signature

Respectfully submitted,



Forrest Gunnison  
Attorney for Applicant(s)  
Reg. No. 32,899  
Tel.: (831) 655-0880